IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUIT NO.573 OF 1995

Jyoti Ashok Shah & anr. Plaintiff

v/s.

Colgate Palmolive (India)Ltd. Defendant

Mr. Narendra Jain i/b. Mr. S.K. Jain for plaintiffs

None for Defendants

CORAM:- ANOOP V. MOHTA, J

DATED:- 18TH JUNE, 2007

ORDER

1. The suit is for declaration that the plaintiffs are the owners of the shares in question and for other consequential reliefs.

2. Though served the contesting defendants did not file any written statement. The defendant no. 4 is formal party. The learned advocate appearing for

the plaintiff is, therefore, dropping the name of defendant no. 4 being a formal party.

3. The permission is granted accordingly.

4. The matter is listed under the caption for 'undefended suit'. None appeared for the defendants.

5. The plaintiffs have filed affidavit of evidence and affidavit along with compilation of documents dt. 11-4-2007. These documents are marked exh. P1 collectively. The averments made in the plaint as well as affidavit remain uncontroverted. The contents of documents, therefore, also remain uncontroverted. It also mean there is no objection to the contents as well as to the documents in question for want of any opposition from the contesting defendants. The Plaintiff, therefore, in the circumstances proved this case as well as related documents in question.

6. The Suit is within limitation.

7. In identically based suit, this Court on 6-6-2007 in suit no. 956 of 1995 granted same relief. Similar relief was granted in other suit also by this

Court by order dated 17-2-97 in notice of motion no. 606/95. As the averments remain uncontroverted and as none appeared for the defendants, interim injunction in terms of prayer clause (a) & (b) has been granted and which is in force since then.

8. In view of above, the suit is decreed in terms of prayer clause (a) to (f). The suit is decreed accordingly. No cost.

(ANOOP. V. MOHTA)